

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

SignalQuest, Inc.

*Plaintiff*

v.

Tien-Ming Chou,  
OncQue Corporation, and  
Bravotronics Corporation

*Defendants*

Civil No. 11-cv-00392-JL

**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

Pursuant to Rule 6.1(c) of the New Hampshire Supplemental Patent Rules, the Plaintiff, SignalQuest, Inc., and the Defendants, Tien-Ming Chou, OncQue Corporation, and Bravotronics Corporation (collectively, the “Parties”), by and through their respective undersigned counsel, jointly submit the following Joint Claim Construction and Prehearing Statement.

**I. ANTICIPATED LENGTH OF TIME NECESSARY FOR CLAIM CONSTRUCTION HEARING**

The Parties anticipate that 3 hours will be necessary for the Claim Construction Hearing.

**II. PROPOSED WITNESSES**

The Parties will not call witnesses at the Claim Construction Hearing.

### III. PROPOSED CONSTRUCTION OF EACH DISPUTED TERM

#### ‘748 ‘866, and ‘867 Patents

Claim Term	SignalQuest’s Proposed Construction	Intrinsic Evidence / Extrinsic Evidence	Bravotronics/OncQue’s/Chou’s Proposed Construction	Intrinsic Evidence / Extrinsic Evidence
diameter	the distance through the center of something from one side to the other	Passim (867’, 866’, and 748’ patents; FIGS. 2, 3, and 4, and corresponding text) Extrinsic - Merriam-Webster Online Dictionary	Any diameter, inside or outside	‘748 patent, Figures 2, 3 and 4 and corresponding text discussing these Figures
first diameter	diameter is the distance through the center of something from one side to the other. A first diameter is different from a second diameter in the claims.	Passim (867’, 866’, and 748’ patents; FIGS. 2, 3, and 4, and corresponding text) Extrinsic - Merriam-Webster Online Dictionary	Any diameter, inside or outside	‘748 patent, Figures 2, 3 and 4 and corresponding text discussing these Figures
second diameter	diameter is the distance through the center of something from one side to the other. A second diameter is different from a first diameter in the claims.	Passim (867’, 866’, and 748’ patents; FIGS. 2, 3, and 4, and corresponding text) Extrinsic - Merriam-Webster Online Dictionary	Any diameter, inside or outside	‘748 patent, Figures 2, 3 and 4 and corresponding text discussing these Figures
electrically conductive element	an element able to conduct electricity	Col. 4 ln. 30-38; col. 4 ln 66 – col. 5 ln. 5; col. 6 ln 7-12; col 6 ln 23-29; col. 8 ln 37-col 9 ln14; FIGS. 1, 2, 4,	Any object that conducts electricity across the object; all parts of element need not be entirely conductive	‘748, col. 4, lines 14-15, and lines 52-55

		and 6-9, and corresponding text (867' Patent)		
“cylindrical lip”	a raised or extended piece along an edge that is cylindrical in shape	Col. 5 ln. 36-48; col 7 ln 11-22; FIGS. 2 and 4, and corresponding text (867' Patent) Extrinsic - Oxford University Press Online Dictionary	Circular cylindrical hollow portion	‘748, col. 5, lines 24-26
“distal end”	An end opposite in location to a proximate end.	Passim, especially col. 5, ln 50 – col 6 ln 23; FIGS 1, 3, 6, 7, 8, 9, and corresponding text (867', 866', and 748' patents) Extrinsic - USP 6230923 col 3, ln 13-65 USP 6345850 col 5 ln 10-20 USP 6672992 col 1 ln 39-67; col. 2 ln 58-45; col. 4 ln 11-52; distal defined as the opposite of proximal in Oxford United Press Dictionary online Proximal means proximate, see, for example, The	Indefinite – no construction	Extrinsic: Merriam-Webster’s Collegiate Dictionary; Websters Third New International Dictionary. reference.com; Merriam-Webster.com; Oxforddictionary.com; all uses of the term ‘distal’ in each of the SignalQuest patents (indicated in bold in Exhibit A attached) and reexamination claims, and Figures 1-9

		American Heritage Dictionary online		
“distal portion”	a portion opposite in location to a proximate portion	<p>Passim (867', 866', and 748' patents)</p> <p>Extrinsic - distal defined as the opposite of proximal in Oxford United Press Dictionary online</p> <p>Proximal means proximate, see, for example, The American Heritage Dictionary online</p> <p>USP 6345850 col 5 ln 10-20</p>	Indefinite – no construction	<p>Extrinsic: Merriam-Webster’s Collegiate Dictionary; Websters Third New International Dictionary. reference.com; Merriam-Webster.com; Oxforddictionary.com; all uses of the term ‘distal’ in each of the SignalQuest patents (indicated in bold in Exhibit A attached) and reexamination claims, and Figures 1-9</p>
“distal surface”	a surface opposite in location to a proximate surface	<p>Col. 5 ln 48-57, col. 7 ln 23-35, col 8, ln 13-24 (867' patent)</p> <p>Extrinsic - distal defined as the opposite of proximal in Oxford United Press Dictionary online</p>	Indefinite – no construction	<p>Extrinsic: Merriam-Webster’s Collegiate Dictionary; Websters Third New International Dictionary. reference.com; Merriam-</p>

		Proximal means proximate, see, for example, The American Heritage Dictionary online		Webster.com; Oxforddictionary.com; all uses of the term 'distal' in each of the SignalQuest patents (indicated in bold in Exhibit A attached) and reexamination claims, and Figures 1-9
"equal in dimension"	Like or alike in measurable extent of some kind, such as length, breadth, depth, or height	Col. 7 ln 23 – 35 (867' Patent) Extrinsic – Dictionary.com	Any two dimensions are the same	Extrinsic: Merriam Webster's Dictionary - Dimension
"electrically insulative element"	An element that prevents or reduces the transmission of electricity	Passim (866', 867', 748' Patents) Extrinsic - Collins English Dictionary	If claims are somehow valid, cylindrical not square exterior shape	Reexamination prosecution history including cancellation of claims to square like shape e.g. in responses filed 8/24/14 in '748 patent, 8/1/14 in '867 patent and 8/1/14 in '866 patent
"flat end surface"	A boundary surface that is smooth, level or even.	'867 patent: col. 4, line 39 – col. 5, line 12; col. 5, lines 36 – 47; col. 6, lines 29-53; col. 7, lines 11-22; col. 9, lines 16-37; and col.	Not completely flat, has a flat area	'748, col. 8, lines 63- col. 9, line 2

		<p>11, lines 14 – 55; FIGS. 2, 4, and 8.</p> <p>Extrinsic – The American Heritage Dictionary of the English Language, Fifth Edition copyright by Houghton Mifflin Harcourt Publishing Company, defines “end” as “The outside or extreme edge or physical limit; a boundary.” The Merriam-Webster® Online Dictionary, defines “flat” as “having a smooth, level, or even surface.”</p>		
“plastic”	substance or material easily shaped or molded	<p>Col. 6, ln 7-29 (867’ patent) Oxford United Press Dictionary</p>	Any moldable material	Extrinsic: Merriam Webster’s Collegiate Dictionary
“proximate end”	An end opposite in location to a distal end.	<p>Passim, especially col. 5, ln 50 – col 6 ln 23; FIGS 1, 3, 6, 7, 8, 9, and corresponding text (867’, 866’, and 748’)</p>	Indefinite – no construction	Extrinsic: Merriam Webster’s Collegiate Dictionary, Webster’s Third

		<p>patents)  Extrinsic -  USP 6230923 col 3, ln 13-65  USP 6345850 col 5 ln 10-20  USP 6672992 col 1 ln 39-67; col. 2 ln 58-45; col. 4 ln 11-52;  distal defined as the opposite of proximal in Oxford United Press Dictionary online  Proximal means proximate, see, for example, The American Heritage Dictionary online</p>		New International Dictionary; all uses of the term ‘proximate’ in each of the SignalQuest patents (indicated in bold in Exhibit B attached) and reexamination claims and Figures 1-9; item 144, Fig. 3 of ‘748 patent at col. 5, lines 34-37
“proximate portion”	A portion opposite in location to a distal portion	Passim (867', 866' and 748')  Extrinsic - distal defined as the opposite of proximal in Oxford United Press Dictionary online Proximal means proximate, see, for example, The American Heritage	Indefinite – no construction	Extrinsic: Merriam Webster’s Collegiate Dictionary, Webster’s Third New International Dictionary; all uses of the term ‘proximate’ in each of the SignalQuest patents (indicated in bold in Exhibit B attached) and

		Dictionary online		reexamination claims and Figures 1-9; item 144, Fig. 3 of '748 patent at col. 5, lines 34-37
"proximate surface"	A surface opposite in location to a distal surface	Col. 5 ln 48- col 6 ln 8, col. 7 ln 23-35, col 8, ln 13-24 (FIG. 3) 867' Patent  Extrinsic - distal defined as the opposite of proximal in Oxford United Press Dictionary online Proximal means proximate, see, for example, The American Heritage Dictionary online	Indefinite – no construction	Extrinsic: Merriam Webster's Collegiate Dictionary, Webster's Third New International Dictionary; all uses of the term 'proximate' in each of the SignalQuest patents (indicated in bold in Exhibit B attached) and reexamination claims and Figures 1-9; item 144, Fig. 3 of '748 patent at col. 5, lines 34-37
"single internal surface"	One interior surface	Col. 4 ln 39-54; Col. 5 ln 6 – 12; Col. 5 ln 22 – 28; Col. 5 ln 58 – col. 6 ln 6; Col. 6 ln 29 – 53; col. 6 ln 63 – col. 7 ln 3; col. 7 ln 23 – 35; col. 8 ln 13 – 24; FIGS. 2, 4, 6-9. (867' Patent) Extrinsic	Portions of conductive element connected by only one surface and that surface is covered by insulative element	'748 patent, col. 4, lines 35-40; col. 5, lines 44-59, Figure 2

		American Heritage Dictionary		
“top surface”	Upper Surface	Col. 5 ln 6- col. 6 ln 7; col. 6 ln 29-col. 7 ln 22; col. 10 ln 1- 58; col. 11 ln 14-33; col. 12, ln 4-13. (867' patent) Extrinsic - Merriam-Webster Online Dictionary	Indefinite – no construction	
Outer surface	Surface on or toward the outside	Col. 5 ln 29-47; col. 5 ln 58 – col. 6 ln 6; col. 7 ln 4 - ln 22; col. 7 ln 36 – 47 (FIGS. 2 and 4) (867' patent) Extrinsic – Merriam-Webster Online Dictionary	Indefinite – no construction	
Bottom Surface	Surface that is below or under the other parts; lower surface	Col. 5 ln 13-col. 6 ln 7; col. 6 ln 54-62; col. 7 ln 4-22; col. 7 ln 36-47; col. 7 ln 36-47; col. 8 ln 47-67 (867' Patent) Extrinsic - Merriam-Webster Online Dictionary	Indefinite – no construction	

#### IV. CONSTRUCTION OF TERMS ON WHICH THE PARTIES AGREE

Claim Term	Agreed Construction
“connected”	Joined or linked together
“disk”	Thin circular object
“member”	A part of a whole
“nub”	A small part that sticks out
“plurality”	Quantity number greater than one
“sealed”	Secured
“sealing”	Securing
“step”	Offset up or down

Respectfully submitted,

**SIGNALQUEST, INC.**

By its Attorneys:

SHEEHAN PHINNEY BASS + GREEN PA

Dated: September 28, 2015

By:/s/ Robert R. Lucic

Peter A. Nieves, NH Bar #15805  
Robert R. Lucic, NH Bar #9062  
Brian D. Thomas, NH Bar #17764  
1000 Elm Street  
PO Box 3701  
Manchester, NH 03105-3701  
(603) 627-8188

**TIEN-MING CHOU, ONCQUE CORPORATION, & BRAVOTRONICS  
CORPORATION**

By Their Attorneys:

MCLANE, GRAF, RAULERSON & MIDDLETON

Dated: September 28, 2015

By:/s/ Mark C. Rouvalis

Mark C. Rouvalis, NH Bar #6565  
Nicholas F. Casolaro, NH Bar #20612  
900 Elm Street  
PO Box 326  
Manchester, NH 03105  
(603) 628-1329

TROP, PRUNER & HU, P.C.

Dated: September 28, 2015

By:/s/Timothy N. Trop

Timothy N. Trop *Pro Hac Vice*  
1616 S. Voss Rd.  
Suite 750  
Houston, TX 77057-2631  
(713) 468-8880